

From: [Martich, Tara](#)
To: [Saxena, Juhi](#)
Subject: FW: fyi on Hull Cleaning of USS Independence
Date: Tuesday, November 22, 2016 2:20:53 PM

Hi Juhi,

This is the matter I wanted to speak with you about. Also, the Navy initiated a program wide consultation with NMFS for its Inactive Ships Program because they (the Navy) has numerous inactive vessels that are anticipated to go through a similar process. I hope to speak with you today.
Tara

From: Kenknight, Jeff
Sent: Friday, November 04, 2016 9:28 AM
To: Kowalski, Ed ; Vojik, Matthew ; Martich, Tara ; Park, Chae ; Levo, Brian ; Davies, Lauris ; Ogle, Kimberly
Subject: FW: fyi on Hull Cleaning of USS Independence
[Keeping you all in the loop on this emerging issue with the Navy.](#)
[Jeff KenKnight](#)
[Manager, Water and Wetlands Enforcement Unit](#)
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From: Poulsom, Susan
Sent: Friday, November 04, 2016 10:14 AM
To: Opalski, Dan <Opalski.Dan@epa.gov>; Psyk, Christine <Psyk.Christine@epa.gov>; Kenknight, Jeff <Kenknight.Jeff@epa.gov>; Lidgard, Michael <Lidgard.Michael@epa.gov>
Cc: Brown, Leah <Brown.Leah@epa.gov>; Weber, Courtney <Weber.Courtney@epa.gov>
Subject: fyi on Hull Cleaning of USS Independence

All – I just want to give you a heads up on an issue that came up this week.

Steve Todd (staff ecologist) of the Suquamish Tribe contacted me expressing concerns regarding the Navy's plans to remove biofouling from the USS Independence, a ship that has been sitting at the Puget Sound Naval Shipyard dock since 1998. The Navy plans to tow the ship to Texas this winter to be dismantled, but before they do, they plan to remove the biofouling underwater from the ship, allowing the material to fall into Puget Sound. The biofouling is 2 – 3 feet thick, and the ship is 1,070 feet long, meaning that approximately 6,000 cu yards of material will be removed. (I believe TX concern is invasive species.) Navy does not intend to use the dry docks since they are already scheduled out for the next 2 years. Steve wanted to know if anything could be done about the Navy's plans under NPDES.

The Tribe became aware of the issue from the Services (I think NMFS). The Tribe requested a meeting with the Navy; which occurred last week.

The Navy represented that this removal action is allowed under Uniform National Discharge Standards (UNDS) and does not fall under a NPDES. UNDS establishes national discharge standards for vessels of the Armed Forces under Section 312 of the CWA.

<https://www.epa.gov/vessels-marinas-and-ports/uniform-national-discharge-standards-unds-homepage>

Our current PSNS NPDES permit does not address underwater hull cleaning. The boundary of

NPDES and UNDs came up when we were drafting the new permit. The Navy's position was that our permit could not prohibit underwater husbandry because of UNDs

I contacted Katherine Weiler (EPA UNDs contact at HQ OWOW). She stated:

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As you probably know - Ecology has an advisory against underwater hull cleaning. This provision from Ecology was a big issue with our tribal net pen permit. We eventually allowed *in situ* cleaning only under conditions that would disperse solids and prevent concentrated bottom settling.

At this point:

- Steve Todd knows we are looking into the issue and whether there is anything from an NPDES standpoint that would regulate the action.
- Leah Brown in ORC is investigating the issue with OECA attorneys in HQ.
- I contacted the Navy (Matt Jabloner) about the issue. I talked to him this AM and someone will be getting to me. He also heard that someone in EPA Superfund may be aware of the action.
- I wondering if since the Services are involved – maybe this will prevent the action occurring?

Susan Poulsom
US EPA Region 10
NPDES Permits Unit
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